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UNCLAS GUATEMALA 001727

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TAGS: [PGOV](#) [PHUM](#) [GT](#)

SUBJECT: GROUNDBREAKING CONVICTION OF MILITARY OFFICIALS
FOR XAMAN MASSACRE

[1](#)1. Summary. Fourteen soldiers were sentenced to 40 years in prison on July 9 for the murder of 11 civilians during the 1995 Xaman massacre. The Xaman killings were the last of approximately 626 massacres perpetrated by the army during Guatemala's 36-year civil conflict, and occurred only fourteen months before the signing of the 1996 Peace Accords. Following a five year legal tug-of-war, the court found the defendants, including one lieutenant and 13 enlisted troops, responsible for the extra-judicial murders of eleven individuals and the injury of 35 others. The July 9 Xaman sentence is the harshest judgment ever made against military officials for crimes committed during the civil war.

[1](#)2. Background: On October 5, 1995, an army patrol of 24 soldiers, led by second lieutenant Camilo Lacan Chaclan, entered the Xaman community in Chisec, Alta Verapaz. The Xaman villagers were among the first group of refugees that had returned from years of hiding in Mexico, after being reassured by the GOG that the military would not enter the community. Unlike earlier massacres, in which the Guatemalan army deliberately targeted civilians while waging a "scorched-earth" campaign, the Xaman killings resulted from poor planning and training of the individual patrol responsible. After a brief standoff with a tense crowd of unarmed civilians, the patrol opened fire. Altogether, the soldiers killed nine adults and two children and injured 35 others.

[1](#)3. The Legal Battle: The Public Ministry in Coban, Alta Verapaz, pressured by private plaintiff Rigoberta Menchu Foundation, initiated proceedings in the Xaman massacre in [1](#)1998. After almost a year, a three-judge panel sentenced twelve soldiers (including Lieutenant Lacan Chaclan) to five years in prison for homicide on August 12, 1999. The other thirteen patrol members received only four years on charges of complicity.

[1](#)4. Though the 1999 convictions were the first ever against military officials for crimes committed during the civil conflict, the human rights community, including the Menchu Foundation, was openly critical of the short sentences. The Public Ministry appealed the ruling, and in December of 1999, the Coban Appeals Court increased the sentences of ten individuals to twelve years and fully acquitted the other 15 (including Lacan Chaclan). The Supreme Court overturned the December 1999 Appeals sentence in April 2000 and ordered that the fifteen defendants who had been acquitted the year before be re-arrested and retried. However, police only captured four (including Lacan Chaclan). The other eleven remain at-large.

[1](#)5. Comment: The Coban Sentencing Tribunal tried fourteen of the soldiers involved in the Xaman massacre in 2004, convicting all of them on July 9 to 40 years in prison. Human rights leaders Frank LaRue and Helen Mack expressed surprise and pleasure to HROff at the landmark conviction. Though the sentence will certainly be appealed by the defendants, the Public Ministry's victory in the Xaman case could set a benchmark for other massacre cases languishing in the legal system, including Rio Negro and Dos Erres.

WHARTON